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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Mischa Megens
Pierre Wiltzius
Shu Yang

CASE 1-10-5

Serial No. 10/040017

Group Art Unit 1756

Filed January 4, 2002

Examiner M. Angebrannt

Title Fabricating Artificial Crystalline Structures

COMMISSIONER FOR PATENTS

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

SIR:

Enclosed is a **Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181(a)** in the above identified application.

NO ADDITIONAL FEE REQUIRED

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 12-2325** as required to correct the error.

Respectfully,

John F. McCabe

John F. McCabe, Attorney
Reg. No. 42854
908-582-6866.

Date: Feb. 9, 2005

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

Date of Deposit February 9, 2005

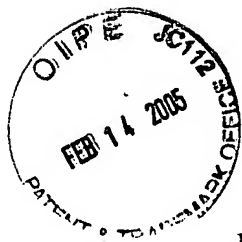
I hereby certify that this correspondence is being deposited with the United States Postal Service First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated above.

Catherine F. Dugan

Printed name of person mailing paper

Catherine F. Dugan

Signature of person mailing paper



PATENT AND TRADEMARK OFFICE

Patent Application

Inventors: Mischa Megens et al

Case No.: 1-10-5

Serial No.: 10/040,017

Group Art Unit: 1756

Filing Date: January 4, 2002

Examiner: Martin J. Angerbrandt

Title: FABRICATING ARTIFICIAL CRYSTALLINE STRUCTURES

Mail Stop: Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

UNDER 37 C.F.R. 1.181(a)

On Jan. 18, 2005, Examiner Angerbrandt informed Applicant that an Office Action had been mailed on July 14, 2004 for the above application and that a response had not been received.

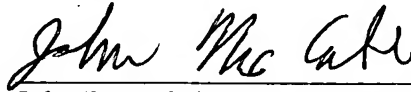
Searches were made of the assignee's file for the above application and of the assignee's docketing record for the above application. An attached statement attests to these searches. A copy of the docketing record is attached as Exhibit A. The search of the jacket of the file did not turn up the Office Action of July 14, 2005 therein. The search of the docketing record turned up no entry for receipt of the Office Action of July 14, 2005. Based on this evidence, the Office Action of July 14, 2005 was not received at Applicants' correspondence address.

Due to the non-receipt of the Office Action of July 14, 2005, Applicants petition for withdrawal of any holding of abandonment in the above application. This petition is made under the reasoning of Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971). See M.P.E.P. 711.03(c). This petition requests that the U.S. Patent & Trademark Office re-mail the Office Action of July 14, 2005 to Applicants.

NO FEE DUE

In the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Lucent Technologies Deposit Account No. 12-2325** to correct the error.

Respectfully,

A handwritten signature in cursive script, reading "John F. McCabe", is written over a horizontal line.

John F. McCabe, Reg. No. 42,854
Telephone: 908-582-6866

Date: Feb. 9, 2005

Lucent Technologies Inc.
Docket Administrator, Rm. 3J-219
101 Crawfords Corner Road
Holmdel, New Jersey 07733



STATEMENT

Prior to Jan. 18, 2005, I was not aware of and had not received the Office Action mailed on July 14, 2004 for U.S. Patent Application 10/040,017. In addition, I attest that:

The assignee of U.S. Patent Application 10/040,017 has a file for this patent application. After January 18, 2005, I searched the jacket of the file and did not find the Office Action of July 14, 2004 therein.

The assignee of U.S. Patent Application 10/040,017 also maintains a docketing system to record papers received from the U.S. Patent & Trademark Office. A printout of the docket record for U.S. Patent Application 10/040,017 as of Feb. 8, 2005 is attached as Exhibit A. I have searched this docket record, and the record does not have any entry for the Office Action of July 14, 2005.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willfull false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

John F. McCabe
John F. McCabe

Jan. 9, 2005
Date

Docket - USA[Help](#)**M Megens 1-10-5****Pending - Amendment****Main Information**

Country	USA	Owner	LUCENT
Serial Number	10/040017	File Date	01/04/2002
Kind	NEW	Filing Path	N
Attorney	jfm	Managing Atty	
Agent		Class Code	II
Patent Number		Issue Date	
Title	Fabricating Artificial Crystalline Structures		

Current In/Out List

Date	Type	Description
05/13/2004	IN	PostCard Amendment
04/29/2005	IN	examiner response

Docket Functions

Mail OUT

---NONE---

Docket

Docket

Docket History

Type	Current Attorney	Description	Document Date/ Mail Date	Date Docketed in ALF
Received	jfm	PostCard Amendment	05/13/2004	05/13/2004
Received	jfm	PostCard Disclosure	05/10/2004	05/10/2004
Mailed	jfm	amendment	04/29/2004	05/27/2004
Mailed	jfm	disclosure statement	04/29/2004	04/29/2004
Mailed	jfm	Preliminary Amendment	04/29/2004	04/30/2004
Received	jfm	office action	01/29/2004	02/02/2004
Received	jfm	PostCard Disclosure	09/11/2003	09/11/2003
Mailed	jfm	disclosure statement	08/25/2003	08/26/2003
Received	jfm	Laid Open/Published	07/10/2003	07/22/2003
Received	jfm	PostCard Disclosure	06/13/2003	06/13/2003
Mailed	jfm	disclosure statement	05/28/2003	05/29/2003
Received	jfm	PostCard Disclosure	03/14/2003	03/14/2003
Mailed	jfm	disclosure statement	02/27/2003	03/03/2003
Received	jfm	Recorded Assignment	07/15/2002	07/15/2002
Received	jfm	PostCard Assignment	05/16/2002	05/16/2002
Received	jfm	Projected Publication Date	05/09/2002	05/15/2002
Received	jfm	Postcard Drawings	05/02/2002	05/02/2002
Received	jfm	PostCard Declaration	04/29/2002	04/29/2002
Mailed	jfm	assignment	04/11/2002	04/15/2002
Mailed	jfm	declaration	04/11/2002	04/15/2002
Mailed	jfm	Formal Drawings	04/11/2002	04/15/2002
Received	jfm	notice of missing parts	02/05/2002	02/11/2002
Received	jfm	Postcard Application	01/18/2002	01/18/2002
Received	jfm	filing receipt	01/04/2002	02/11/2002
Mailed	jfm	application	01/04/2002	01/09/2002

Mailed	jfm	disclosure statement	01/04/2002	01/09/2002
Mailed	jfm	Informal Drawings	01/04/2002	01/09/2002

John Francis McCabe